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3
4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

6 * * *

7 UNITED STATES OF AMERICA,

Case No. 2:16-CR-33 JCM (GWF)

8 Plaintiff(s),

ORDER

9 v.

10 DMITIRY MELNIK,

11 Defendant(s).

12
13 Presently before the court is defendant Dmitriy Melnik's *pro se* motion for
14 recommendation for prison designation. (ECF No. 41). Defendant requests that this court
15 recommend that he be assigned to FCI Terminal Island because of the inmate programs available
16 at that facility. (*Id.*).

17 Although defendant is currently represented by counsel, a judge may exercise the discretion
18 to permit hybrid representation. *See United States v. Halbert*, 640 F.2d 1000, 1009 (9th Cir. 1981)
19 *see also* (ECF No. 41).

20 Additionally, this court may provide a non-binding recommendation to the Bureau of
21 Prisons for a prisoner's term of custody. *See* 18 U.S.C. § 3621(b); *see also United States v.*
22 *Ceballos*, 671 F.3d 852, 855 (9th Cir. 2011).


23 In light of defendant's request, this court finds that it is appropriate to supplement the
24 judgment with the recommendation that defendant be assigned to FCI Terminal Island. Because
25 "a recommendation to the Bureau of Prisons is not part of a sentence," the 14-day limit to correct
26 or reduce a sentence does not apply here. *Ceballos*, 671 F.3d at 855; *see also* Fed. R. Crim. P.
27 35(a).

28 Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant's motion for
recommendation for prison designation (ECF No. 41) be, and the same hereby is, GRANTED.

1 IT IS FURTHER ORDERED that the clerk shall amend the judgment (ECF No. 38) to
2 include this court's recommendation to the Bureau of Prisons that defendant Dmitriy Melnik be
3 designated to FCI Terminal Island.

4 DATED April 10, 2017.

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UNITED STATES DISTRICT JUDGE